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April 29, 2023

Hon. Judge Victor Marrero
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 5/1/2023

Re: 1:22-cv-10725-VM; Strike 3 Holding, LLC v. John Doe subscriber assigned IP Address 74.64.116.160 // Plaintiff's First Letter Motion for Leave to File Unredacted Versions of its First Amended Complaint, Proposed Summons, and Return of Service Under Seal

Dear Judge Marrero:

The James Law Firm, PLLC represents Plaintiff in the above-captioned matter. Plaintiff respectfully requests an order allowing Plaintiff leave to file unredacted versions of its First Amended Complaint, proposed summons, and return of service under seal.

Plaintiff is the owner of award-winning, critically acclaimed adult motion pictures. Strike 3's motion pictures are distributed through the *Blacked*, *Tushy*, *Vixen*, *Tushy Raw*, *Blacked Raw*, and *Slayed* adult websites and DVDs. Plaintiff recorded a number of infringing transactions emanating from IP address 74.64.116.160 within the BitTorrent network. Accordingly, this Court recently permitted Plaintiff to serve a subpoena on the Internet Service Provider ("ISP"), Spectrum ("ISP"), to discover the identity of the subscriber assigned the IP address 74.64.116.160, the IP address used to download and distribute Plaintiff's works via the BitTorrent network. After receiving the subpoena response, Plaintiff conducted a further investigation. Based on the investigation of the subscriber and publicly available resources, Plaintiff identified the subscriber as the true infringer/Defendant. Plaintiff has now filed its First Amended Complaint against Defendant before this Court.

Although Plaintiff is aware of Defendant's identity, Plaintiff is sensitive to Defendant's privacy concerns and therefore, it opted to file this suit against Defendant pseudonymously within the caption of the case. Although the caption does not contain Defendant's personal identifying information, the body of the First Amended Complaint contains such information. This information is central to Plaintiff's claim and includes the Defendant's name, address, and additional factual information which directly links the Defendant to the infringement in this case. In the past, to avoid embarrassment to defendants, courts in this district have entered protective orders precluding Plaintiff from publicly disclosing defendants' identifying information. Accordingly, out of respect for this Court and Defendant, Plaintiff respectfully requests entry of an order permitting it to file an unredacted version of its First Amended Complaint, proposed summons, and return of service under seal under seal so that it may include Defendant's name, address, and other factual information central to Plaintiff's claim.

By: Jacqueline M. James

Attorneys for Plaintiff

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Request GRANTED. The Court hereby
authorizes the filing of an
unredacted version of the First
Amended Complaint under seal.

SO ORDERED.

5/1/2023

DATE


VICTOR MARRERO, U.S.D.J.